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Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 27 June 2017 from the Permanent Mission of Peru to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Peru to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1718 (2006) and has the honour to transmit herewith the report on measures taken by the Government of Peru to implement Security Council resolution 2321 (2016) (see annex).

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Annex to the note verbale dated 27 June 2017 from the Permanent Mission of Peru to the United Nations addressed to the Chair of the Committee

Report of Peru on the implementation of Security Council resolution 2321 (2016)

Introduction

Peru is a nation committed to United Nations efforts to strengthen international peace and security. In that connection, it recognizes the Security Council's authority to impose measures in accordance with the provisions of Chapter VII of the Charter of the United Nations.

Peru, a country with a long tradition of promoting disarmament, non-proliferation and arms control, advocates a process of general and complete disarmament under effective international control and is a party to all related international regimes, which are its highest foreign policy priority. Peru is a party to the following international instruments, among others:

- Treaty on the Non-Proliferation of Nuclear Weapons, adopted on 1 July 1968, ratified by Peru on 3 March 1970 and in force in Peru since 5 March 1970.
- Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco), adopted on 14 February 1967 and in force in Peru since 4 March 1969.
- International Convention for the Suppression of Acts of Nuclear Terrorism, instrument of ratification deposited on 29 May 2009.
- Convention on the Physical Protection of Nuclear Material, adopted by Legislative Decision No. 26376 of 28 October 1994 and in force in Peru since 10 February 1995.
- Comprehensive Nuclear-Test-Ban Treaty, signed by the Government of Peru on 25 September 1996 and adopted by the National Congress at its session on 25 September 1997. The instrument of ratification was deposited on 12 November 1997. Not in force.
- Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, instrument of ratification deposited on 20 July 1995.
- Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, instrument of ratification deposited on 5 June 1985.
- Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, instrument of accession deposited on 21 May 1985.

Peru is committed to implementation of the Security Council resolutions and urges the Democratic People's Republic of Korea to abandon all nuclear weapons and existing nuclear programmes in a complete, verifiable and irreversible manner, and immediately cease all related activities; and to abandon all other existing weapons of mass destruction and ballistic missile programmes.

In that regard, the Government of Peru has condemned the nuclear tests and ballistic missile launches conducted by the Democratic People's Republic of Korea because it believes that they seriously threaten international peace and security and

flagrantly violate that country's international disarmament and non-proliferation obligations, including under the relevant Security Council resolutions.

Peru hopes for an early resumption of the six-party talks in order to reach a negotiated political solution on denuclearization of the Korean Peninsula.

Measures to implement Security Council resolution 2321 (2016)

Pursuant to Supreme Decree No. 016-2007-RE on the publication of Security Council resolutions adopted under Chapter VII of the Charter of the United Nations, Ministerial Decision No. 0009/2017-RE provided for the publication in the official gazette *El Peruano* of the substantive summary of Security Council resolution 2321 (2016) on the non-proliferation of weapons and the Democratic People's Republic of Korea.

Publication of the summary represents completion of the domestic legal procedures for ensuring that these sanctions are implemented by all government sectors and agencies.

Asset-freeze measures

Legal framework

To ensure implementation of the relevant Security Council resolutions and to improve domestic regulations in effect, on 13 July 2016 the Superintendency of Banks, Insurance and Private Pension Fund Administrators adopted Decision No. 3862-2016, which regulates the mechanisms and procedures permitting the Financial Intelligence Unit of Peru to freeze administratively the funds or other assets of individuals or entities associated with terrorism or its financing, and those of individuals or entities associated with the proliferation of weapons of mass destruction and its financing, identified pursuant to Security Council resolutions, with special reference to the resolutions on the Democratic People's Republic of Korea, including their follow-up resolutions (see paragraph 3 of resolution 2321 (2016)).

In that regard, the Financial Intelligence Unit has the authority to order the immediate freezing of funds or assets of individuals or legal entities included in:

(a) Security Council lists drawn up pursuant to resolutions on terrorism and terrorist financing;

(b) Security Council lists drawn up pursuant to resolutions on the financing of the proliferation of weapons of mass destruction.

Action taken

In response to a formal request from the Ministry of Foreign Affairs on 27 February 2017, the Financial Intelligence Unit asked all entities of the Peruvian financial system to provide information on accounts held by the individuals listed in annex I to Security Council resolution 2321 (2016) or by the entities listed in annex II to that resolution.

In April 2017, the Financial Intelligence Unit reported that the Peruvian financial system had no record of any accounts in the name of those subject to sanctions.

Travel-ban measures

In response to a formal request from the Ministry of Foreign Affairs, on 6 April 2017 the National Migration Authority reported that, as required by the

Security Council, all the individuals listed in annex I to resolution 2321 (2016) had been incorporated into the national migration alert system.

In addition, Peru requires all citizens of the Democratic People's Republic of Korea to have an appropriate visa to enter the country. As visas are granted by the consular offices of Peru abroad, the Ministry of Foreign Affairs circulated the list of individuals contained in annex I to Security Council resolution 2321 (2016) to those offices, with instructions not to issue any visas to those individuals. It also requested that the Ministry be informed of all visa applications submitted by citizens of the Democratic People's Republic of Korea, with a view to carrying out more extensive checks on those applications.

Reducing the number of staff at diplomatic missions

In strict compliance with the provisions of paragraph 14 of resolution 2321 (2016), on 2 April 2017 the Ministry of Foreign Affairs sent a formal note to the Ambassador of the Democratic People's Republic of Korea in Lima, informing him of the sovereign decision of the Government of Peru to reduce the number of diplomatic staff authorized to carry out duties at that diplomatic mission from six to a maximum of three, and giving the Democratic People's Republic of Korea 90 days from the date of receipt to comply with the request.

On 17 May 2017, the Ministry of Foreign Affairs reminded the Ambassador of the Democratic People's Republic of Korea in Lima of the decision taken by the Government and highlighted the importance of meeting the deadline, given that non-compliance could lead to an irregular immigration status for some of the diplomatic officials currently working in the mission.

Restricting the entry of staff into the national territory

The Government of Peru took the sovereign decision not to grant three temporary diplomatic visas requested by the Government of the Democratic People's Republic of Korea in May 2017.

While it cannot be stated with certainty that the applicants were connected to the nuclear programme of the Democratic People's Republic of Korea, this decision was taken as an effective means of reducing the number of officials at the Embassy of the Democratic People's Republic of Korea in Lima and thus implementing paragraph 15 of resolution 2321 (2016).

Limiting the number of bank accounts held by diplomatic missions

Pursuant to the provisions of paragraph 16 of resolution 2321 (2016), in March 2017 the Ministry sent the Financial Intelligence Unit a list of the diplomatic officials of the Democratic People's Republic of Korea accredited in Peru in order to check the number of bank accounts held by them in the Peruvian financial system.

In April 2017, the Financial Intelligence Unit notified the 247 entities of the Peruvian financial system (banks, financial institutions, savings and loan associations and cooperatives) of the action required by the Security Council and requested information on any bank accounts held by accredited officials at the Embassy of the Democratic People's Republic of Korea and/or its consular section. As at May 2017, only one bank account has been reported in the name of the Embassy of the Democratic People's Republic of Korea.

Ban regarding coal, minerals and other items

The National Customs and Tax Authority has brought to the attention of its operational and customs control units the ban on exports from the Democratic People's Republic of Korea of coal, minerals and the items contained in resolution 2321 (2016). It has been reported that to date no attempts have been made to export the prohibited materials.

In addition, the Authority has stated that, should an attempt to export be detected, it will act in accordance with Peruvian legal provisions, that is, it will seize the prohibited goods and, if appropriate, dispose of them.

Conclusion

Peru, an elected member of the Security Council (2018-2019) and a country committed to international peace and security, has taken concrete steps to implement effectively the sanctions imposed by the Council.